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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding Observations of the Human Rights Committee

Finland

1. The Committee considered the fourth periodic report of Finland (CCPR/C/95/Add.6) at its 1659th and 1660th meetings, held on 1 April 1998 and it adopted the following conclusions at its 166th meeting, held on 6 April 1998.

A. Introduction

2. The Committee welcomes the fourth periodic report of Finland, and notes its timely submission and thorough discussion of issues in accordance with the Committee's guidelines. The Committee also acknowledges the comprehensive oral responses by the high-level Finnish delegation.

B. Positive aspects

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3. The Committee notes with appreciation Finland's actions to advance human rights since consideration of its third periodic report in October 1990. Foremost among these developments are Finland's ratification of the Second Optional Protocol to the Covenant in 1991, the reform of the Finnish Constitution in 1995 to incorporate the provisions of the Covenant and other human rights instruments into the Constitution and to extend the application of fundamental rights to non-citizens as required by article 2 paragraph 1 of the Covenant.

4. The Committee welcomes the recent reform of Finnish criminal procedure which, *inter alia*, ensures that detainees are brought to court without delay, and have the right to speedy trial and communication with family and counsel. Also welcome is Finland's withdrawal of its reservation to article 9 paragraph 3 of the Covenant.

5. The Committee notes with satisfaction the recognition in the Constitution of the Sami and Roma people and of their rights along with other groups to develop their language and culture. The Committee welcomes the existence of Advisory Boards for both Sami and Romani Affairs, mandated to advance the interests of these minority populations, and the right of Samis since 1992 to communicate with the authorities in their native language and to be consulted through their representatives on matters affecting them closely. It also welcomes that Roma and Sami students at the primary and secondary education levels may be taught in their mother tongue.

6. The Committee commends the efforts to promote racial tolerance by the establishment of the Parliamentary Ombudsman, the Chancellor of Justice, the Ombudsman for Aliens, and the Advisory Board for Refugee and Migrant Affairs, as well as the implementation of a human rights curriculum in the schools.

7. The Committee notes with satisfaction the recent efforts to safeguard the well-being of women and children in domestic abuse situations by the establishment of nationwide crisis centers and shelters and the treatment of men who abuse, as well as legislation to outlaw rape in marriage in 1994 and new measures to combat trafficking in women and children.

8. The Committee welcomes the implementation of the Aliens Act in 1991 and other legislative measures which broaden the criteria for the issuance of residence permits, create procedures for review of deportation decisions and give the Ombudsman for Aliens a role in these proceedings, and give alien residents the right to vote in local elections.

9. The Committee welcomes the action taken by Finland to disseminate information about the Covenant and to consult with NGOs about the Report.

D. Subjects of concern and Committee recommendations

10. While noting that a recent reform of the Penal Code makes punishable the violation of several rights and freedoms, including those protected by articles 21 and 22 of the Covenant, the Committee is concerned that criminal law may not alone

be appropriate to determine remedies for violations of certain rights and freedoms. It recommends that the Finnish authorities continue to give priority to positive measures and to civil processes which are able to determine issues of compensation or other remedies, especially in cases of discrimination.

11. The Committee notes that the proposed Sami Act, by which forests within the Sami homeland would be turned into commons owned by the Sami villages, have not passed the Parliament and that the issue of land rights of the Sami have not been resolved.

12. The Committee notes that "important" United Nations and European conventions are translated into Sami languages and disseminated to the Sami, and recommends that efforts should be made to provide to the Sami and Roma minority printed texts of all available human rights documents, translated into the Sami and Roma languages, where possible.

13. While recognizing the State's efforts to extend the prohibition of sex discrimination and achieve equality, particularly in the workplace, the Committee remains concerned at the continuing disparity in remuneration between the sexes and the relatively low proportion of women in higher levels of the public service. Further efforts are necessary to reduce these differentials.

14. The Committee regrets the continuing de facto discrimination against members of the Roma minority, especially in the area of private housing, employment and services; it recommends that government agencies be trained to intervene

positively to help to overcome racist attitudes and to initiate proceedings where any pattern of discrimination is identified.

15. The Committee expresses concern at its understanding that, after due notice, a person charged before the Finnish courts with certain offences may be tried in absentia, if his or her presence was not necessary, and sentenced to a fine or up to three months' imprisonment with no possibility for retrial after 30 days. The Committee considers that unless the person has clearly agreed to this procedure and the court is fully informed of the offender's circumstances, this method of trial could raise questions of compatibility with article 14 paragraphs 3(d) and (e) of the Covenant. The Committee suggests that this procedure be reviewed.

16. The Committee expresses serious concern over the increase in negative attitudes and de facto discrimination toward immigrants among some of the Finnish population, and also of instances of violence. While appreciating Finland's acknowledgment of the situation and the steps Finland has taken to minimize the problem, the Committee recommends that further positive measures be taken to overcome discriminatory and xenophobic attitudes and prejudice, and to foster tolerance.

17. The Committee notes that the reservations entered by Finland upon ratification of the Covenant with respect to article 10 paragraphs 2(b) and 3, article 14 paragraph 7, and article 20 paragraph 1 are still in force and recommends that consideration be given to the withdrawal of these reservations.

18. The Committee expresses its continuing concern that there is still legal provision for preventive detention of certain convicted persons ("dangerous recidivists") to be determined by the Prison Court and recommends that early consideration be given to implementing the current proposals for the reform of indefinite imprisonment as outlined in paragraph 52 of Finland's fourth periodic report.

19. The Committee notes with concern that Swedish speaking persons do not always have the possibility of using their language in dealing with authorities and recommends that this possibility be put into practice.

20. The Committee is concerned that asylum seekers and aliens with irregular status are held in public prisons and police detention places pending inquiry as to their status and recommends implementation of the proposal to establish separate areas.

21. The Committee reiterates its concern, expressed during the consideration of Finland's third report, that Jehovah's Witnesses are granted by domestic law preferential treatment as compared with other groups of conscientious objectors and recommends that the State Party review the law to bring it into full conformity with article 26 of the Covenant.

22. The Committee recommends that the laudable efforts already made in connection with the promotion of greater public awareness of the provisions of the

Covenant and the Optional Protocols should be further pursued and that appropriate publicity be given to these Concluding Observations.